

Appl. No. 10/010,068
Amdt. dated September 30, 2005
Reply to Office Action of July 1, 2005

PATENT

REMARKS/ARGUMENTS

Amendments

Claims 10 and 18 are modified in the Amendment to more clearly recite the claimed embodiments. Claim 25 is canceled, and no claims are added. No new matter is added. Thus, claims 1-28 and 30 are present for examination. Claims 1, 10, and 18 are the independent claims. Applicants respectfully request reconsideration of this Application.

35 U.S.C. §102 Rejection, Messner

The Office Action dated July 1, 2005 ("Office Action") has rejected claims 1-28 and 30 under 35 U.S.C. §102(e) as being anticipated by the cited portions of U.S. Patent No. 6,370,514 to Messner (hereinafter "Messner"). For a valid anticipation rejection, the Office must show that each and every limitation from the claims appears in a single piece of prior art. Applicants believe major limitations from claims 1, 10 and 18 are neither taught nor suggested in the Messner reference.

More specifically, Messner cannot be relied upon to teach or suggest: (1) an electronic greeting card with a *code* that *includes a link* to a site associated with redemption of an electronic gift as generally required by claims 1, 10, and 18, (2) an electronic gift comprising a stored value fund from which *money may be withdrawn* by a receiver as generally required by claim 10, or (3) a stored value fund with a monetary credit which can be used by the receiver with any *money handler of the receiver's choosing* as required by claim 18. Applicants respectfully request that the anticipation rejection be withdrawn for these reasons.

1. Link in Code: The independent claims, claims 1, 10, and 18, each specify embedding a "code" in an "electronic greeting card," wherein the "code includes a link" to a site (emphasis added). This limitation specifically sets forth that the code *itself* include a link to the site, and Messner fails to teach or suggest this limitation.

Messner teaches the "use of a centralized voucher server ... for ... a purchaser ... [to] buy a gift certificate through ... a brick and mortar store, via the telephone, or via an online

Appl. No. 10/010,068
Amtd. dated September 30, 2005
Reply to Office Action of July 1, 2005

PATENT

connection. The gift certificate can be delivered to a recipient by regular mail, email, telephone or the like. The purchaser can select one or more merchants by type or category of goods sold at which the gift certificate will apply" (Messner, Abstract, ll. 2-10). Messner suggests that a "gift certificate will preferably be able to direct the recipient to the web page," but fails to suggest that the *code* contain the link as taught by the claims (Messner, col. 3, ll. 25-26).

The Office Action indicates that the "account number" of Messner reads on the *code* specified in the present claims (Office Action, p. 4, ll. 1-4). In Messner, the gift certificate may include the account number, and the gift certificate may also include a link to a framed web page (Messner, col. 3, ll. 30-31, col. 6, ll. 24-58, col. 8, ll. 16-27). However, there is no teaching or suggestion in Messner that the *account number* include the *link*. In the claims at issue, the *code* does include the *link*, a clear distinction from Messner.

2. Stored Value Fund: Independent claim 10 specifies a "monetary credit in a stored value fund from which money may be withdrawn by a receiver." Messner fails to teach or suggest this limitation. Messner specifically teaches only a gift certificate "redeemable at a specified merchant's web site, at a 'virtual mall' composed of more than one merchant participating merchant, on some other subset of the participating merchant's web sites (e.g., at all clothing stores), or on all participating merchants" (Messner, col. 6, ll. 28-33). Therefore, Messner merely teaches a "gift certificate" which is *redeemable* for goods or services at a merchant or group of merchants (Messner, col. 2, l. 66 - col. 3, l. 1).

Claim 10 sets forth a stored value fund from which *money* may be *withdrawn* by a receiver. This feature can give a receiver autonomy to use the monetary credit without restriction, providing a significantly broader range of choices over the cited reference. Messner only provides for *gift certificates* redeemable for goods or services at participating merchants (Messner, col. 9, l. 66 - col. 10, l. 27). Use of the claimed stored value fund can provide the sender and receiver with a considerable amount of flexibility that the gift certificate of Messner cannot.

3. Stored Value Fund - Any Money Handler: Independent claim 18 specifies that "a monetary credit in the stored value fund can be used by a receiver of the code with any money

Appl. No. 10/010,068
Amdt. dated September 30, 2005
Reply to Office Action of July 1, 2005

PATENT

handler chosen by the receiver." The claim provides that the money handler is to be selected from a group comprising *at least two* of: 1) an agent location from which money may be withdrawn by a receiver, 2) a stored value fund from which money may be withdrawn by a receiver, 3) an airline mileage program, 4) a gift certificate issuer, 5) a bank, or 6) a money order issuer. As noted above, Messner only teaches a "gift certificate" which is, at most, redeemable for *goods or services* at a limited group of participating merchants (Messner, col. 9, l. 66 - col. 10, l. 27). Thus, the money handler specified in claim 18 provides far greater flexibility than the gift certificate handler suggested in Messner.

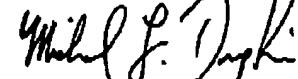
Independent claims 1, 10, and 18 are allowable for at least the reasons cited above. Claims 2-9, 11-17, 19-28, and 30 each recite limitations in addition to those in the independent claims, and these claims are believed allowable for at least the same reasons as given above. Reconsideration is respectfully requested.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,


Michael L. Drapkin
Reg. No. 55,127

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
MLD:kib
60597381 v1